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Press Release

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Wisconsin Man Indicted for Illegally Removing Asbestos in Violation of Rules Established by Environmental Protection Agency (EPA)

United States Attorney Michelle L. Jacobs announced that yesterday a federal grand jury sitting in the Eastern District of Wisconsin indicted Michael Phillips, 53, of Shiocton, Wisconsin for seven counts of knowingly violating rules established by the United States Environmental Protection Agency (EPA) for the removal and disposal of asbestos, all in violation of 42 U.S.C. § 7413(c)(1). Each count subjects Mr. Phillips to imprisonment of not more than five years, a fine of not more than \$250,000, or both, plus a mandatory \$100 special assessment and not more than three years of supervised release.

The charges are based on actions which allegedly occurred during the renovation of Villa Apartments in New London, Wisconsin from July into November of 2007. At that time, Mr. Phillips owned and operated that building through a corporation. To convert the heating system, a large quantity of pipe was removed from the building. Much of the pipe was covered with asbestos insulation which was also removed.

The indictment alleges that Mr. Phillips participated, and caused others to participate, in the removal and disposal of the asbestos insulation in ways which violated the following EPA rules:

- The asbestos was removed without providing required notice to EPA.
- The asbestos was not wetted down when being stripped from the pipes or when being taken out of the building.
- The asbestos was handled in a careless way which damaged and disturbed it prior to its removal from the building.
- The asbestos was taken out of the building without being placed in leak-tight wrapping.
- The asbestos was taken out of the building in containers which lacked required warning labels identifying the material as asbestos, a cancer and lung disease hazard.
- The asbestos was removed without having present anyone trained in regulations regarding asbestos removal and disposal.

According to US Attorney Michelle Jacobs "this case is an excellent example of the valuable cooperation between Wisconsin Environmental Investigative Wardens and Special Agents of the United States Environmental Protection Agency – Criminal Investigation Division in protecting the health and safety of the citizens of Wisconsin". This case was investigated by EPA and the Wisconsin Department of Natural Resources.

An indictment is only a charge and is not evidence of guilt. A defendant is presumed innocent and is entitled to a fair trial at which the government must prove guilt beyond a reasonable doubt.

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